

BOARD OF HEALTH
Bangs Community Center: Room 101
Minutes

July 22, 2010

BOH Members: David Ahlfeld, Maria Bulzacchelli, David Kaufman

BOH Member Excused: Nancy Gilbert

Staff: Julie Federman, Pamela Field-Sadler

Other: The following individuals were in attendance: Amherst Animal Wellness Officer Carol Hepburn; Amherst residents: Chris Brashear, John M. Gerber, Sandy Sulsky, Phoebe Caroline Sabetti, Anthony Sabetti, Alan Root; Bob Stover – Amherst Civil Engineering.

Meeting opened at 7:05 p.m.

Chairman Ahlfeld announced Sandy Sulsky's term as a Board of Health (BOH) member ended June 30, 2010; Ms. Sulsky's term had previously been believed to end August 31, 2010. The BOH recognized Ms. Sulsky's long term service and expressed deep appreciation for her contributions.

I. New Business

A. Keeping of Livestock and Poultry

Amherst Animal Wellness Officer Carol Hepburn, and Amherst residents Chris Brashear and John Gerber in attendance.

The Board of Health (BOH) has been notified by the Planning Department interest has been expressed in changing the Zoning Bylaw to allow the keeping of livestock and poultry in the General Residence (R-G) District. The R-G District is the most densely populated zoning district in Amherst; the current bylaw prohibits the keeping of livestock and poultry in this district. The Planning Department has asked if the BOH sees itself involved in regulating livestock and poultry, and if so, what the BOH role might be. Amherst Animal Wellness Officer Carol Hepburn shared her opinion if the bylaw is changed, educating prospective poultry keepers regarding the care and maintenance of poultry; manure management; adequate spacing; and rodent and pest control would be paramount. Ms. Hepburn explained it is crucial chickens be obtained through a reputable source in order to be certain the birds have come from a certified tested flock and reduce the risk of poultry-born disease; currently the state will provide free testing for poultry. A one-time issued permit/license could serve to notify Ms. Hepburn of new poultry keepers; she would be responsible to complete an annual inspection and could use the opportunity to provide education. An issued permit/license would also allow the Health Department to track where chickens are kept. John Gerber, Amherst resident, raised concern regarding the process to obtain a permit/license and the potential fees. The BOH agrees this is essentially a zoning issue with only minor health implications. The BOH supports Ms. Hepburn completing annual inspections and providing education. The BOH

would like to continue to be notified of developments regarding this subject. Ms. Federman will serve as the BOH liaison and will communicate the position of the BOH to the Planning Department.

B. Local Upgrade Approval Request: 818 Bay Road

Anthony and Phoebe Sabetti, owners of 818 Bay Road, and Bob Stover of Amherst Civil Engineering in attendance.

The Board of Health (BOH) members reviewed a request for a Local Upgrade Approval (LUA) for a septic system on the property at 818 Bay Road. The application includes a variance request to reduce the separation between the Soil Absorption System (SAS) and the high groundwater from 4' to 3'.

Amherst Assistant Sanitarian Gary Courtemanche submitted a letter to the BOH with the application stating in his opinion the new sewage disposal septic plan design will serve to protect the public health.

Motion: Mr. Kaufman made the motion, seconded by Ms. Bulzacchelli, to approve the Local Upgrade Approval request for 818 Bay Road including the separation variance request as submitted.

Vote: Unanimous

C. Rental Registration

Landlords are required to register their Amherst rental properties with the Health Department for a fee of \$10.00. The Health Department maintains a database of the rental properties which allows for easier access to landlord contact information. The Town Manager has assembled a Housing Team to discuss issues regarding housing; the goal of the Housing Team is to improve the quality of the Amherst rental stock. The Housing Team is also investigating the possibility of developing a Code Enforcement Officer position; this position could provide the enforcement of the building and health codes. Each Amherst rental unit could be inspected annually. The Town Manager also hopes to work with UMass on this endeavor. Ms. Federman pointed out landlords may need an incentive to keep up properties, and requested the Board of Health (BOH) review the current *Rental Property Registration* to determine if amendments would be beneficial. Ms. Federman will collect rental regulations from other Towns for review; the BOH will continue this discussion at their next meeting.

D. Seminar On Revisions to the Open Meeting Law

Amherst Town Manager Larry Shaffer has notified Chairman Ahlfeld Kopelman and Paige, P.C., who serves as the Amherst Town Counsel, will be offering a seminar on the revisions made to the Open Meeting Law (OML.) The Board of Health (BOH) is invited to attend. The BOH agreed, after reviewing the OML changes at their last meeting and having the support of the Health Department, attending a seminar is not necessary at this time. Chairman Ahlfeld will respond to the Town Manager's notice. The seminar may be beneficial to town department staff; Ms. Federman will ask the Town Manager to keep town departments apprised of the seminar.

E. Electronic Cigarette Devices

David Kaufman suggested the Board of Health (BOH) place electronic cigarette devices on the next BOH agenda for discussion. The BOH needs to discuss their role, if any, in the regulation of electronic cigarette devices. Ms.

Federman will contact Attorney D. J. Wilson and the City of Northampton for information.

II. Review & Receive

A. Meeting Minutes

1. Meeting Minutes from June 17, 2010 – Tabled

The Board of Health (BOH) meeting minutes for June 17, 2010 were tabled due to a lack of quorum. David Kaufman was ineligible to vote due to his absence from the June 17, 2010 meeting.

III. Old Business

A. Tobacco Regulations

1. Smoking Disclosure

Amherst resident Alan Root in attendance.

The Board of Health (BOH) reviewed the updated draft of the proposed Smoking Disclosure regulation. Alan Root shared his concern for the enforcement of the regulation. Mr. Root suggested the BOH monitor the Clark House and Anne Whalen Apartments to determine the effectiveness of sealing apartment doors to eliminate smoke seepage from inside the apartments into the hallways. The BOH also reviewed the *Amherst Housing Authority Smoking Policy* which becomes effective September 1, 2010. The BOH noted the policy is well constructed and could be considered as a model policy. Ms. Federman will contact Attorney D. J. Wilson to determine if other model smoking policies are available. During the discussion of the draft regulation, the following was noted:

- Section 5(B)(1): modify to read “*If smoking is permitted in one or more units of a Multi-Unit Residence, the disclosure shall identify the location of the designated smoking and non-smoking units with a floor plan.*”
- Section 5(D): modify the word “no” to read “*not*”
- After revisions are made, Ms. Federman will forward the draft to Town Counsel for review.
- The BOH discussed a potential effective date of February 1, 2011.

B. Board of Health Member Recruitment

In an effort to fill the current available seat on the Board of Health (BOH), previously suggested individuals have been contacted; at this time, none of these people are able to consider this commitment. The BOH agreed the skills of an epidemiologist are beneficial; however, an individual with an Environmental Health Science background would be useful too. Ms. Federman and Ms. Bulzacchelli will work to seek other candidates for consideration.

IV. Health Director’s Report

A. Public Health Nurse

A Public Health Nurse has been hired for the Health Department who will work 15 hours per week. The Public Health Nurse will be involved in the upcoming flu clinic planning.

B. Public Information Officer Training

Ms. Federman and Ms. Bulzacchelli attended a Public Information Officer (PIO) Training. The training focused on risk communication and providing information to the public. Dave Ziomek is the designated PIO for Amherst; however, in the case of a health related issue, Ms. Federman, or a Board of Health member, could be called upon to support Mr. Ziomek.

V. Schedule Next Board of Health Meeting/Agenda Closing Date

A. The next Board of Health meeting is scheduled for September 2, 2010.

Meeting Adjourned: 9:10 p.m.

Pamela Field-Sadler, Management Assistant

Approved: 9/2/2010

Board of Health
July 22, 2010
Bangs Community Center: Room 101
Meeting Document List

The following documents were available to the Board of Health during their scheduled meeting. These documents are available for review at the:
Amherst Health Department, 70 Boltwood Walk, Amherst, MA 01002

- Meeting Agenda
- Meeting Minutes: June 17, 2010 (draft)
- Keeping of Livestock and Poultry:
 1. Email from Jeff Bagg
 2. Article from Masslive.com: *Controversial Holyoke Chicken Plan Set for City Council Debate*
 3. Memo from Jonathan Tucker, Amherst Planning Director
- Local Upgrade Approval Request Application: 818 Bay Road
- Open Meeting Law
 1. Attorney General's Open Meeting Law Guide
 2. M.G.L. c.30A §§18-25
- Tobacco Regulations: Proposed Smoking Disclosure
 1. Current draft of the proposed: *Town of Amherst Regulation Smoking Disclosure in Multi-Unit Rental Residences*
 2. Correspondence from Attorney Wilson re: Smoking Disclosure draft
 3. Amherst Housing Authority Smoking Policy (effective: 9/1/10)